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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,312	07/12/2001	Sonja Eijsbouts	ACH2807US	1803
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Louis A. Morris Akzo Nobel Inc. 7 Livingstone Avenue			EXAMINER	
			KUHAR, ANTHONY J	
Dobbs Ferry, NY 10522-3408			ART UNIT	PAPER NUMBER
			1754	-/
			DATE MAILED: 07/08/2003	X

Please find below and/or attached an Office communication concerning this application or proceeding.

Applicatin No. Applicatins Application Application			<u>a</u>				
Examiner Anthony J Kuhar - Th. MAILING DATE of this communication appears on the cov. r sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Editarisate of time may be available under the positions of 37 CFR 178(b). In no event, however, may a reply be timely filled If the period for reply is pecified above, the maintern standards yrided will supply and will reply stoll (s) MONTHS from the realiting data of this communication from 15 thought of the period for reply is pecified above, the maintern standards yrided will supply and will reply stoll (s) MONTHS from the realiting data of this communication from 15 thought of the period for reply is pecified above, the maintern standards yrided will supply and will reply stoll (s) MONTHS from the realiting data of this communication, even if threely filled, may reduce entry status 1 Sesponsive to communication(s) filled on 4/24/03 in paper no. 8. 2a) This action is FINAL. 2b Si Translation in a non-dition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.3-14 and 16-25 is/are pending in the application. 4a) Of the above claim(s) 16-24 is/are withdrawn from consideration. 5b Claim(s) 1.3-14 and 16-25 is/are rejected. 7c Claim(s) 3.1-4 is/are objected to. 8c Claim(s) 1.3-14 is/are objected to by the Examiner. 10 The drawing(s) filed on is/are: a) accepted or b objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11 The specification is objected to by the Examiner. 12 The specification of correction filed on is/are: a) accepted or b objected to by the Examiner. 13 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 13 The cash or declaration is objected to by	•	Applicati n No.	Applicant(s)				
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Application/Control Number: 09/904,312

Art Unit: 1754

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3-14, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 07-289898.

Paragraph 17 of the English translation of JP 07-289898 teaches using an inflammable carbonaceous material as a support for a catalyst. Paragraph 21 teaches that after combustion the support comprises carbon as its major component. Paragraphs 37 and 38 teach that two Group VIA metals and a group VIII metal are supported for use in various hydrogenation reactions. Paragraph 37 also teaches that molybdenum and tungsten are most desirable as the Group VIA metals. Paragraph 56 teaches that hydrogen sulfide may be used to activate the catalyst or preliminary sulfuration. Paragraph 44 also teaches the active metals in the catalyst in sulfide form. Paragraph 40 teaches that the various metal components may comprise up to 30% Group

Application/Control Number: 09/904,312

Art Unit: 1754

VIA metal and up to 50% Group VIII metal. Higher amounts are also contemplated. The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to have selected the overlapping portion of the range of temperatures disclosed by the reference because overlapping ranges have been held to be a prima facie case of obviousness, in re Malagari, 182 USPQ 549. Paragraph 21 teaches a cellulose system as an organic support.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-14, and 25 have been considered but are most in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J Kuhar whose telephone number is 703-305-7095. The examiner can normally be reached on 8:45 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stan Silverman can be reached on 703-308-3837. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Art Unit: 1754

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

ΑK

June 27, 2003

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700